



**Agenda for Meeting of  
Thursday, May 13, 2010  
5:00 p.m.**

Council Committee Meeting Room (12<sup>th</sup> Floor)  
202 C Street, San Diego, CA

For Information, contact the  
Ethics Commission at (619) 533-3476

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**REGULAR MEETING**

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**Item 1: Call to Order.**

**Item 2: Roll Call.**

**Item 3: Swearing-in of New Commissioners.**

**Item 4: Approval of Commission Minutes.**

Approval of Commission Minutes of April 8, 2010, and April 29, 2010.

**Item 5: Non-Agenda Public Comment.**

**Item 6: Commissioner Comment.**

This portion of the agenda provides an opportunity for Commissioners to make announcements or comments.

**Item 7: Executive Director Comment.**

This portion of the agenda provides an opportunity for the Executive Director to make announcements or comments.

**Item 8: General Counsel Comment.**

This portion of the agenda provides an opportunity for the Commission's General Counsel to make announcements or comments.

**Item 9: Presentation of Final Audit Report of the Committee to Elect Marshall Merrifield.**

Discussion and possible action regarding the Final Audit Report presented by staff concerning the audit of the Committee to Elect Marshall Merrifield.

► View back-up materials: [Link](#)

**Item 10: Presentation of Final Audit Report of Scott Peters for City Attorney Committee.**

Discussion and possible action regarding the Final Audit Report presented by staff concerning the audit of the Scott Peters for City Attorney Committee.

► View back-up materials: [Link](#)

**Item 11: Appointment of Ad Hoc Committee to Nominate Commission Officers at June 10, 2010, Commission Meeting.**

Discussion and possible action regarding the appointment of Commissioners to serve on an ad hoc committee to nominate Commission officers at the Commission's meeting on June 10, 2010.

**Item 12: Administrative Hearing: In re the Matter of Nancy Graham (Case No. 2008-54); Bifurcated Legal Issues.**

Consideration of the Presiding Authority's Recommendation and oral arguments by Petitioner and Respondent concerning two legal issues bifurcated by the Presiding Authority in connection with the allegations in the Final Administrative Complaint, followed by the deliberation of the Commission.

► View back-up materials: [Respondent's Motion](#)  
[Petitioner's Opposition](#)  
[Respondent's Reply](#)

**Item 13: Adjourn to Closed Session.**

Adjournment to Closed Session to discuss the items listed in the Closed Session portion of the Agenda. The Commission will reconvene into Open Session following the conclusion of Closed Session in order to report any action taken during the closed session portion of the meeting.

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## CLOSED SESSION

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### **Item 1: Conference with Legal Counsel**

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(c) (1 potential matters). The Ethics Commission may meet in closed session to consider initiating a formal investigation against a person or persons who are alleged to have violated local ethics laws. Should an investigation be authorized, the identity of the person or persons being investigated will be available upon request only if and after a Draft Administrative Complaint is issued. The nature and details of the allegations will be available upon request only if and after a Final Administrative Complaint is issued.

### **Item 2: Conference with Legal Counsel**

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(c) (1 potential matter: Todd Cardiff, Case No. 2009-98). The Ethics Commission may meet in closed session to consider the settlement, dismissal, status, issuance of a subpoena, or other issue related to a pending enforcement action that has been noticed for a probable cause hearing in connection with alleged violations of local governmental ethics laws. The nature and details of the allegations will be available upon request only if and after a Final Administrative Complaint is issued.

### **Item 3: Conference with Legal Counsel**

Anticipated Litigation. Initiation of litigation pursuant to Government Code section 54956.9(c) (1 potential matter: San Diego Safe Beaches Coalition and Jacob Pyle, Case No. 2008-64). The Ethics Commission may meet in closed session to consider the settlement, dismissal, status, issuance of a subpoena, or other issue related to a pending enforcement action that has been noticed for a probable cause hearing in connection with alleged violations of local governmental ethics laws. The nature and details of the allegations will be available upon request only if and after a Final Administrative Complaint is issued.

**INTERNET ACCESS TO COMMISSION AGENDA:** The Internet address is:  
<http://www.sandiego.gov/ethics>.

**ACCESS FOR PEOPLE WITH DISABILITIES:** This information will be made available in alternative formats upon request. To request an agenda in an alternative format or to request a sign language or oral interpreter for the meeting, call the Ethics Commission (619/533-3476) at least five working days prior to the meeting to ensure availability. Assistive Listening Devices (ALDs) are available from the Ethics Commission Office if requested at least 24 hours prior to the meeting.

**COMMENT ON NON-AGENDA ITEMS:** This portion of the agenda provides an opportunity for members of the public to address the Commission on items of interest within the jurisdiction of the Commission. Comments are limited to no more than three minutes per speaker. Submit requests to speak to the Commission **prior** to the start of the meeting. Pursuant to the Ralph M. Brown Act, the Commission on any issue brought forth under “Non-Agenda Comment” shall take no discussion or action, other than a referral.